

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No : 10/620,038
Applicant : Shimek et al.
Filed : July 15, 2003
Title : Soft Dried Marshmallow and Method of Preparation

TC/A.U. : 1794
Examiner : Bekker, Kelly Jo

Docket No. : 6126US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICANT'S AMENDED APPEAL BRIEF

Sir:

The Applicant of the above-identified U.S. patent application submits this amended appeal brief in response to the Notification of Non-Compliant Appeal Brief dated July 24, 2009. In compliance with the instructions set forth in M.P.E.P. § 1205.03, a replacement statement of the status of claims is provided herewith.

Status of Claims begins on page 2 of this paper.

Remarks begins on page 3 of this paper.

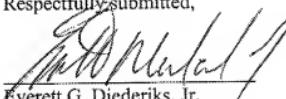
Status of Claims:

Presently, claims 1, 3-27, 29-39 and 81 stand rejected. Claims 2, 28, 40-80 and 82 have been cancelled. The rejected claims are herewith appealed.

REMARKS

If there are any additional questions or concerns regarding the Appeal Brief, the Examiner is cordially invited to contact the undersigned at the number provided below in order to expedite matters. Again, for the reasons set forth in the brief, it is respectfully submitted that the present invention is patentably defined over the known prior art such that the Examiner's rejection should be reversed.

Respectfully submitted,


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Date: August 21, 2009
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